

SB 108 Outcome

The California Construction and Industrial Materials Association (CalCIMA) sponsored Senate Bill (SB) 108 in 2011 and it became law on January 1, 2012. Authored by former Senator Michael Rubio, SB 108: (1) Changed the definition of “idle” mines under the Surface Mining and Reclamation Act (SMARA); and (2) Established an 18-month amnesty period during which mines previously deemed abandoned could be returned to pre-abandoned status by completing a verification and approval process through the appropriate lead agency.

Prior to SB 108, a mine was deemed idle once its *production* diminished by more than 90 percent of its historic maximum mineral production for one year or more. In other words, if a mine produced 200,000 tons of aggregate in 1976 and only 10,000 tons in 2010, it would become idle, as then defined. Once that decrease in production occurred (a not uncommon occurrence during the recent economic downturn), the mine operator was required to file an interim management plan (IMP) if he or she intended to continue mining at some future date. If the mine operator failed to submit an IMP in a timely manner to the lead agency, the mine would become “abandoned” as defined. At this point, the mine operator was required to begin reclamation immediately; that is, mining would stop and the process of reclaiming the site suitable for its end use per its approved reclamation plan would begin.

As noted, SB 108 provided for an 18-month amnesty for the abandoned mines, ending on July 1, 2013. Following this date, the requirements for idle and abandoned mines apply to all mines. One change that remains, however, is the definition of idle. As amended by SB 108, idle is now defined as a one-year reduction in mineral production by more than 90 percent of its maximum annual production within any of the last five years. No longer is the 90 percent reduction compared to a mine’s *historic* maximum production.

The Department of Conservation (Department) went to great lengths to inform stakeholders of the legislative changes required by SB 108. The Office of Mine Reclamation (OMR) included a section on SB 108 during each of five SMARA workshops throughout the state. Additionally, operators and/or lead agencies were sent five letters during the 18-month period informing them about the legislation and its process, the adequacy of each SB 108 “amnesty” submittal, and reminding them of the deadline. The OMR was encouraged by receiving mostly positive feedback about its SB 108 outreach to operators and lead agencies. As a result of this outreach the OMR fielded countless phone calls and email messages regarding SB 108’s application. When all was said and done, 146 applications were received by the OMR before the July 1, 2013 deadline. All but a handful of applications were successful, saving the jobs and economic benefits of these mines for local and state economies.

In a July 23, 2013, CalCIMA press release, Association President Gary Hambly stated, “California is dependent on local supplies of aggregates and minerals to build its roads, homes, schools and hospitals, fertilize its farm lands, and supply local manufacturing. Without these local materials, it would be much more difficult for many sectors of California’s economy to recover.” The press release went on to laud the positive effects that SB 108 had on the mining industry’s contribution to the state’s economy and environment by observing, “the legislation helped California’s economic recovery and prevented adverse environmental impacts for the state.”